

REMARKS

This is in response to the Office Action mailed December 5, 2002. In the Office Action, claims 2, 4-7, 9-16, 18, 20, 21 and 23-27 were pending. Claims 2, 4-7, 9-12, 14-16, 20 and 23-27 were rejected; and an objection was raised with respect to claims 13, 18 and 21. With this Amendment, independent claims 2 and 16 are amended; dependent claim 15 is cancelled; and the remaining claims are unchanged in the application.

As set forth above, Applicants have indicated an amendment to independent claim 16. This amendment is to clarify Applicants' independent claim 16. In Applicants' Amendment filed August 30, 2002, one word was inadvertently switched without indicating that an amendment was made thereto. Specifically, what originally said "a glide interface" was inadvertently changed to "a glide interference". Applicants set forth an amendment to claim 16, herein, to ensure that the original language "a glide interface" is set forth in claim 16.

Section Two of the Office Action indicates that changes made to 35 U.S.C. § 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. § 122(b). Applicants respectfully disagree. Specifically, Applicants direct the Examiner's attention to the Continued Prosecution Application filed via United States Express Mail Post Office to Addressee on September 5, 2001. Moreover, a Corrected Filing Receipt mailed October 31, 2001 also acknowledges the CPA filed on September 5, 2001. Accordingly, Applicants respectfully submit that the examination of this application must be examined under 35 U.S.C. § 102(e) after amendment of the AIPA. Moreover, Applicants respectfully submit

that the provisions of 35 U.S.C. § 103(c) apply to examination of this application.

All of the rejected claims in this application, with the exception of independent claim 2 and dependent claims 4-6, rely, at least in part, upon U.S. Patent No. 5,808,184 to Boutaghou et al. However, with this Amendment, Applicants have amended independent claim 2 to include the limitations of dependent claim 15, which is now cancelled, and which was previously rejected under 35 U.S.C. § 103 based upon the Boutaghou reference. Accordingly, Applicants now respectfully submit that all pending claims are now within the scope of matter which was rejected based, at least in part, upon the Boutaghou reference.

35 U.S.C. § 103(c) states:

"Subject matter developed by another person, which qualifies as a prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

U.S. Patent No. 5,808,184 to Boutaghou et al. indicates assignment to Seagate Technology, Inc. of Scotts Valley, California. This application was originally assigned by both inventors to Seagate Technology, Inc. of Scotts Valley, California by way of assignment dated October 21, 1998 and recorded on October 21, 1998 on Reel 9529, Frame 0121. Applicants respectfully submit that, at the time of the invention, this application and the Boutaghou reference were owned by the same person or subject to the obligation of assignment to the same person. Accordingly, Applicants respectfully submit that 35 U.S.C. § 103(c) applies to this case.

Further, Applicants respectfully submit that the Boutaghou reference solely qualifies as prior art under one or more of 35 U.S.C. § 102 (e), (f) and (g). Therefore, 35 U.S.C. § 103(c) dictates that the Boutaghou reference shall not preclude patentability. Thus, Applicants respectfully believe that all pending claims are now in condition for allowance.

In conclusion, Applicants respectfully submit that the entire application is in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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MARKED-UP VERSION OF REPLACEMENT CLAIMS

2.(Fourth Amended) A glide head—test system combination comprising:

a glide test system; and

a glide body including a leading edge, a trailing edge and a raised bearing surface; and

at least one thermal transducer formed on the raised bearing surface having a surface portion extending along a portion of the raised bearing surface and a thickness portion intersecting the surface portion extending along the portion of the raised bearing surface to form a glide interface to detect asperities.

16.(Sixth Amended) A method of fabricating a glide head comprising:

fabricating an air bearing surface including a raised bearing surface and a recessed bearing surface; and depositing a thermal transducer on the raised bearing surface to form a glide ~~interference~~interface to detect asperities.

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